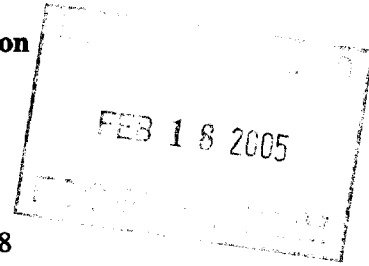


Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of )

Reclassification of License of )  
Station KYKX(FM), Longview, Texas )

RM-11158

**ORDER TO SHOW CAUSE**

**Adopted: February 16, 2005**

**Released: February 18, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a petition for rulemaking filed by Charles Crawford ("Petitioner"), seeking to amend the FM Table of Allotments by allotting Channel 288A to Hall Summit, Louisiana, as that community's first local FM transmission service. To accommodate this allotment, Petitioner requests that Channel 286A be substituted for vacant Channel 288A at Haynesville, Louisiana. To further accommodate the allotment of Channel 288A to Hall Summit, Petitioner requests the reclassification of Station KYKX(FM) ("KYKX"), Channel 289C, Longview, Texas, to specify operation on Channel 289C0 because that station is operating at below minimum Class C facilities.<sup>1</sup> Petitioner has also certified, as required, that no other Class A channel is available for allotment at Hall Summit.<sup>2</sup>

2. Station KYKX, licensed to Waller Media, LLC, currently operates on Channel 289C with an effective radiated power ("ERP") of 100 kilowatts ("kW") at 352 meters height above average terrain (HAAT), which is below the minimum Class C antenna height of 451 meters HAAT. The staff has tentatively concluded that if Station KYKX operates as a Class C0 facility, any short-spacing between Station KYKX and the proposed use of Channel 288A at Hall Summit at the proposed site would be eliminated. For the reasons discussed below, we are issuing this *Order to Show Cause* directed to Waller Media, LLC, licensee of Station KYKX, Longview, Texas, to show cause why its facilities should not be reclassified.

3. Pursuant to the reclassification procedures set forth in the *Second Report and Order, supra*, and note 2 of Section 1.420 (g) of the Commission's Rules, a petitioner may initiate the reclassification of a Class C FM station to a Class C0 station through the filing of an original petition for amendment of the FM Table of Allotments. In those instances in which a triggering petition proposes an amendment or amendments to the FM Table of Allotments in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to Section 73.3573 of the Rules, and a Notice of Proposed Rule Making will be issued only after the reclassification issue is resolved. In order to comply with the foregoing reclassification procedures, it is first necessary to issue this *Order to Show Cause* directed to Waller Media, LLC, to show cause why Station KYKX's license should not be modified to specify operation on Channel 289C0 in lieu of Channel 289C at Longview, Texas. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction

<sup>1</sup> In a petition for rulemaking filed April 1, 2004, Petitioner requested that Station KYKX be downgraded from Channel 289C to 289C0 to accommodate the proposed allotment of Channel 290A to Pleasant Hill, Louisiana.

<sup>2</sup> See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd 21649, 21662-63 (2000).

permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.<sup>3</sup> In this instance, the reclassification of Station KYKX as a Class C0 station at Longview, Texas, will accommodate the allotment of Channel 288A to Hall Summit, Louisiana, as proposed by Petitioner. We consider the proposed reclassification of Station KYKX to have sufficient public interest benefits to justify the issuance of a show cause order.

4. The Station KYKX license at Longview, Texas can be modified to allow the reclassification of Channel 289C to Channel 289C0 at its currently authorized transmitter site.<sup>4</sup>

5. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Waller Media, LLC, licensee of Station KYKX, Longview, Texas, SHALL SHOW CAUSE why its license should not be modified to specify operation as a Class C0 station on Channel 289C0, Longview, Texas.

6. Pursuant to Section 1.87 of the Commission's Rules, Waller Media, LLC. may, no later than April 4, 2005, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest. If Waller Media, LLC chooses to seek authority to modify Station KYKX's facilities, an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT or the equivalent must be on file with the Commission within 180 days subsequent to the show cause response due date (April 4, 2005).

7. IT IS FURTHER ORDERED, That a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

David Tillotson, Esq.  
Law Office of David Tillotson  
4606 Charlestown Terrace, N.W.  
Washington, D.C. 20007-1911  
(Counsel to Waller Media, Inc.)

Waller Media, Inc.  
P.O. Box 1648  
Jacksonville, Texas 75766

<sup>3</sup> See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

<sup>4</sup> The reference coordinates for Channel 289C0 at Longview are NL 32-35-37 and WL 94-49-10. .

8. For further information on this proceeding, contact R. Barthen Gorman, Media Bureau  
(202) 418-2180.

**FEDERAL COMMUNICATIONS COMMISSION**

**John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau**